IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 636 of 1995

Between:

D.Gopinath S/o.D.Narayanaswam,R/o.Karakambadi Village Renigunta Mandal, Chittoor Dist.

..... PETITIONER

AND

1 Joint Colleoctor ,Chittoor Chittoor Dist.
2 The Mandal Reveue Officer Renigunta Mandal Renigunta Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring that the impugned notice in Roc.No.B4/1957/94, dt.28-10-1994 on the file of the Respondent No.1 as illegal, invalid, arbitrary and unsustainable and further be pleased to direct the respondents not to disturb the peaceful possession and enjoyment of the agricultural land of Ac.4-40 cents in S.No.640/2 in Karakambadi Village, Renigunta Mandal, Chittoor Dist., vested with the petitioner under the valid assignment made in his favour by the then Revenue authorities in DKT.No.4/4/384, dt.30-6-1974 and pass

Counsel for the Petitioner: MR.M.VENKATA RAMANA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER

Questioning the impugned notice dated 28-10-1994 in Roc.B4/1957/94 issued by the 1st respondent, the present writ petition has been filed.

The case of the petitioner is that he made an application to the Tahasildar for assignment of land as he is a landless poor. Basing on such application, he was assigned the land to an extent of Ac.4-40 cents in S.No.640/2 *vide* DKT Patta No.4/4/384, dated 30-6-1974. Since the date of assignment, he was in peaceful possession and enjoyment of the same. After a lapse of twenty years, the 1st respondent issued the impugned notice cancelling the assignment made in his favour.

A counter-affidavit has been filed by the respondents alleging that by mistake the then Thasildar granted assignment patta in favour of the petitioner. It is further contended that the assignee is ineligible for grant of assignment of patta as he is a wealthy person and hence he is not entitled for the land in question. In view of the same, the 1st respondent issued the impugned notice.

The record shows that the petitioner approached this Court only questioning the show cause notice issued by the 1st respondent and hence the same is not maintainable.

Without going in to the merits of the case, it would suffice if liberty is granted to the petitioner to file objections to the show cause notice dated 28-10-1994 issued by the 1st respondent, within a period of eight weeks from the date of a receipt of a copy of this order and the respondent-authorities shall consider and dispose of the same in accordance with law, if the petitioner is still in possession of the land, within a period of four weeks thereafter.

With the observations as above, the writ petition is disposed of.

19-08-2004

rkk

To

1 Joint Colleoctor ,Chittoor Chittoor Dist.
2 The Mandal Reveue Officer Renigunta Mandal
Renigunta Chittoor Dist.

3.Two CCs to GP for Revenue, High Court buildings, Hyderabad(OUT)

4. Two CD copies.